

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

In re: SUBPOENA FOR INSPECTION
AND SAMPLING OF PREMISES
OWNED BY NON-PARTIES IN THE
MATTER OF:

STATE OF OKLAHOMA, et al.
Plaintiffs

vs.

TYSON FOODS, INC., et al.,
Defendants.

Case No. 4:05-CV-00329-TCK-SAJ

MOTION TO QUASH
SUBPOENAS FOR INSPECTION AND SAMPLING
OF PREMISES OWNED BY NON-PARTIES,
REN BUTLER AND GEORGIA BUTLER, OR ALTERNATIVELY,
MOTION FOR PROTECTIVE ORDER AND BRIEF IN SUPPORT

Come now Ren Butler and Georgia Butler, whose affected properties are located in Adair County, Oklahoma (“the Butlers”) and adopt and incorporate by reference all of the allegations, arguments, and requests for relief set forth in that certain *Objections and Motion to Quash Subpoenas for Inspection and Sampling of Premises Owned by Non-Parties, or Alternatively, Motion for Protective Order and Brief in Support* (Docket #493) filed in the Northern District of Oklahoma on May 1, 2006, by certain Non-Party Poultry Growers, as if fully set forth herein. Further, the Butlers ask that all parties generally refer to the Butlers as additional members and a part of the previously identified “Poultry Growers¹.”

¹ These non-parties are: Bill R. Anderson; Steve Butler, allegedly d/b/a Green Country Farms; Julie Anderson Chancellor; Roger D. Collins; Franklin A. Glenn and Kenneth D. Glenn and Sondra D. Glenn; Juana Loftin; Larry McGarrah and Priscilla McGarrah; Jim L. Pigeon and Michele R. Pigeon; Joel J. Reed and Rhonda Reed and Caleb Reed and Cory Reed; W. A. Saunders and Bev Saunders; Robert V. Schwabe II; David R. Wofford and Robin L. Wofford.

In further support and explanation of this Motion, the Butlers attach hereto as Exhibit “III” a copy of their Subpoena, which was issued in the Eastern District of Oklahoma; and as Exhibit “IV” the May 2, 2006 Minute Order of the Honorable Judge James H. Payne,.

Respectfully submitted,

s/ D. Kenyon Williams, Jr.

Michael D. Graves, OBA #3539

D. Kenyon Williams, Jr., OBA #9643

**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

320 South Boston Avenue, Suite 400

Tulsa, OK 74103-3708

Telephone (918) 594-0400

Facsimile (918) 594-0505

ATTORNEYS FOR POULTRY GROWERS

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May, 2006, a copy of the above and foregoing was mailed via facsimile to the following counsel of record:

C Miles Tolbert

Secretary of the Environment
State of Oklahoma
3800 N. Classen
Oklahoma City, OK 73118
405-530-8800
Fax: 405-530-8990

William H Narwold

Motley Rice LLC (Hartford)
20 Church St., 17th Floor
Hartford, CT 06103
860-882-1676
Fax: 860-882-1682

and that an electronic version of the same was sent this date to the following:

Douglas Allen Wilson

Email: Doug_Wilson@riggsabney.com

Elizabeth C Ward

Email: lward@motleyrice.com

Frederick C Baker

Email: fbaker@motleyrice.com

James Randall Miller

Email: rmiller@mkblaw.net

John Trevor Hammons

Email: thammons@oag.state.ok.us

Louis Werner Bullock

Email: lbullock@mkblaw.net

Melvin David Riggs

Email: driggs@riggsabney.com

Richard T Garren

Email: rgarren@riggsabney.com

Robert Allen Nance

Email: rnance@riggsabney.com

Sharon K Weaver

Email: sweaver@riggsabney.com

W A Drew Edmondson

Email: fc_docket@oag.state.ok.us

David Phillip Page

Email: dpage@mkblaw.net

Dorothy Sharon Gentry

Email: sgentry@riggsabney.com

Kelly S Hunter Burch

Email: fc.docket@oag.state.ok.us

s/D. Kenyon Williams, Jr.

D. Kenyon Williams, Jr.

624480.1:712304:00550